App. F. IX-4

Previous References.
CB 220-47-1-2
CBS. 77-47-1-2
Confs 103-47-8-11
Later References.
CBS/410-48-2

1948-49
(CB)

File No. 410-48
Serial Nos. 1

GENERAL AND REVENUE SECRETARIAT

Serial Nos. One

✓

Part B for March 1949

SUBJECT

Representation of Sri B. K. Ramakrishnaiah Retired Ag. District and Sessions Judge

No. 7719/CB d. 18. 3. 49.

To Sri B. K. Ramakrishnaiah

Intg. Govt. regret that in view of the rules on the matter, no further concession is possible.

SSRao 26/3.

Serial No.

Representation of Sri B.K. Ramakrishnaiya, Retired Dt. & Sessions Judge

Sri B.K. Ramakrishnaiya represents as follows:-

(a) that he had put in a total service of 23 years 5 months and 20 days at the time of his retirement on 4.4.1948, that he submitted a representation to Govt. to condone the deficiency of 1 year 6 months & 10 days for completion of 25 years' service, that Govt. condoned the deficiency of one year only,

(b) that he has been sanctioned a superannuation pension of Rs. 180 p.m. without taking into consideration the change in his tenure from Acting Sub-Judge to P.P. Sub-Judge ordered in G.O. of 3.7.1948,

(c) that a condonation of the entire deficiency of 1 year 6 months & 10 days would fetch him a pension of about Rs. 250 to 262-8-0 p.m. and that, in view of the fact that during the whole of his service he

Representation of Sri B.K. Ramakrishnaiya, Retd Dt. & Sessions Judge

File No. of 194 — General and Revenue Secretariat

Serial No.

had availed of only 1 month & 21 days' ~~days~~ leave and that he could not avail of any leave preparatory to retirement though he was entitled to have even 6 months' leave, as the Chief Justice requested him not to apply for leave due to exigencies of departmental work, that the deficiency may be condoned for the full period of 1 year 6 months & 10 days to enable him to get full pension Or, if this is not conceded, that his pension may be fixed arbitrarily at Rs. 250 p.m. or any amount considered reasonable and Just.

2) Regarding (a).

As only one years' deficiency can be condoned under Art. 272 of C.S.R., Govt. condoned a deficiency of only one year - vide Submission Note of 6.8.48 in File No. Cls. 220-(c)-122. 'U'

Re: (b)

A revised pension of Rs. 200-12-0 has since been sanctioned in G.O. dated 13.1.1949 taking into consideration the change 'V'

WD 02853—GPB—30,000—11-5-48

Re presentation of Sri B.K. Ramakrishnaiya, Retd. Dt. & Sessions Judge.

App. F. II-2

General and Revenue Secretariat

File No. of 194 . 3

Serial No.

'W'

Re: leniency of Sri B.K. Ramakrishnaiya from Acting Sub-Judge to P.P. Sub-Judge.

Re: (c)

4) This is a reiteration of his previous representation which was considered by Govt. and the condonation of only one year's deficiency was ordered.

5) The representation of Sri B.K. Ramakrishnaiya that in case the condonation of the full deficiency of 1 year 6 months & 10 days is not granted, an arbitrary pension of about Rs. 250 or any amount considered to be reasonable may be fixed, is for orders.

Sws 19/1/49

19.1.49

6) Under Art. 292, M.S.R. Govt. may condone a deficiency not exceeding 12 months and this concession has been shown to Sri B.K. Ramakrishnaiya. The grant of any further concession in this behalf would be outside the rules. Sri Ramakrishnaiya has since been granted a revised pension of Rs. 200-12-0 consequent on the change in the tenure of his

Note.—Contn. Sheet

Representation of Sri B.K. Ramakrishnaiya Rtd Ag Addl Sessions Judge

File No. 3417/CB of 1948.

General and Revenue Secretariat

Serial No. V

appointment as Subordinate Judge from "Ag." to "P.P". (vide Govt. No. 7748-91 Ss A. 52-48-4 dy 13-1-49, which is subsequent to this present representation.

The question of confirmation and promotion of certain officers in the cadre of Dt. Judges is separately under consideration and Sri Ramakrishnaiya does not appear to get any promotion in these arrangements as he acted as Dt. Judge for a short period only and as he retired from service with effect from 4-4-48.

In case he is given any pension more than what is now sanctioned to him, it will have to be an arbitrary pension requiring special orders of Govt.

Law Secy
Chief Secy

NMR 20/1/49

8/1/49 21/1/49 amt 24/1/49

9. Is there any precedents at all of Govt. having condoned deficiency of more than a year.

10. His point is that condonation of a break of one year ordered by

6-1-49 21 JAN 1949 GENERAL & CONFIDENTIAL BR 24-1-49 CHIEF SECRETARY 673 25 JAN 1949 GOVT. OF MYSORE

WD 02353—GPB—30,000—11-5-48

Representation of Sri B.K. Ramakrishnaiya, Rtd. Dt. & Sessions Judge.

General and Revenue Secretariat

File No. 3417 of 1948. CB

Serial No.

Court has reduced itself to Effect, to only 6 mos. & 10 days, and he would get 24/60 of the average salary, instead of 30/60; the difference would be between Rs 50/- and 60/- a month.

16/1/49

25/1

comp 26/1/49

11 A Dft: letter to the Comptroller is submtd for approval.

Sms 28/1/49 Issue

comp 28/1/49

Fwd 29.1.49

Issued = No. 6190/CB of 29.1.49.

TO - The Comptroller.

Letter No. 1036/Pen. Dr. 14.2.49 from the Comptroller stating that no precedent for condoning deficiency in Service amounting to a period more than one year is traceable in his Office.

12. No case of Condonation of deficiency in Service amounting to a period more than one year is stated to be traceable.

13. Under Art. 320 (b) of T.S.R. only years of Completed Service are taken into account for Calculating pension. Hence though the total Service, including the condonation

Sms

Note—Contn. Sheet

Representation of Sri B. K. Ramakrishnaiya,

File No. 6 of 194 Rets. Dt. Judge. General and Revenue Secretariat

3417

Serial No.

one year, amounts to 24 years 5 months & 20 days, the period taken into consideration has been 24 years only

Sms 18/2 Refee. para 10.

9cmR 21/2/49

Ld 18.2.49 14. Chief Secy)

CHIEF SECRETARY 784 22 FEB 1949 GOVT. OF MYSORE

GENERAL & REVENUE SECRETARIAT U. O. NO. FL. 6947 24 FEB 1949 FINANCIAL SECRETARY, BANGALORE

15. The representation submitted to the Dewan on 5.12.48, is for favourable and orders.

Refee. para 10.

Chief Secr & Dewan Thru Fin Secy W/c.

16. I agree with the views in paragraph 6 above.

25/2/49.

17 In view of the rules governing the matter, no further concession is possible.

9cmR 25/2/49

Office of the Chief Minister No. C. 1896 Date of Receipt 28.2.49 Date of Return 10.3.49

CHIEF SECRETARY 7962 26 FEB 1949 GOVT. OF MYSORE

CHIEF SECRETARY 9413 10 MAR 1949 GOVT. OF MYSORE

CHIEF SECRETARY 8489 15 MAR 1949 GOVT. OF MYSORE

18. Draft Reply to Sri B.K. Ramakrishnaiya is submitted for approval.

Sms 12/3/49 Ld 13.3.49 Chief Secy)

9cmR. 1573/49

1573 9cmR 1573/49

WD 03991—GPB—1,000—29-9-48

General and Revenue Secretariat | File No. | of 194

Serial No.

Letter

Letter no 7219/GB

9-12-43

To — Sri BK Ramakrishnaiya.

State that no further concession is possible

15/

Note.—Contn. Sheet

3417
CB

DEWAN'S OFFICE
6 DEC 1948
No. 407

To

The Dewan Sahib,
Bangalore.

Chief Secy
ARY
5/12

CHIEF SECRETARY
5770
6 DEC 1948
CB
GOVT. OF MYSORE

16/12

6/12

'W'

Sir,

In connection with the superannuation pension to be granted to me, I respectfully beg to submit as follows:-

I retired from service as acting District and Sessions Judge with effect from 4/4/1948. I had by then put in a total service of 23 years, five months and 20 days (including the usual addition of 3 years allowed for members recruited from the Bar). There was thus a deficiency of 1 year and 6 months and 10 days for completion of 25 years' service which alone would make one eligible for full pension. I therefore submitted a representation to Government, through the High Court, for kind condonation of deficiency of service for 1 year, 6 months and 10 days and grant of full pension to me. The High Court had kindly recommended my case for favourable consideration of the Government.

'U'

I am given to understand that the Government have been pleased to grant my request only in part viz., to condone the deficiency for one year only. While I feel grateful for this kind concession, I respectfully submit that the period of service put in by me is 23 years, 5 months and 20 days. Including the condonation of one year, it comes to 24 - years, 5 months and 20 days; but according to the Pension Rules, fraction of a year will not be taken

P.T.O.

Law Dept. has been requested to put up
File no. 190-46-3. Sec'b/EC

2

into account, and therefore the period of qualifying service would be only 24 years. Thus, though the condonation is for one year, it virtually reduces itself to a period of 6 months and 10 days. I am thus deprived of the larger benefit which the Government kindly intended to confer on me by condoning a period of one year.

Viewed financially, the benefit conferred on me by the present order is slight as compared with what it would be if the remaining period of 6 months and 10 days had also been kindly condoned. Had there been no condonation, I would get as pension 23/60 of my average salary and by condonation of one year's deficiency (virtually only 6 months and 10 days) it will be raised to 24/60; but if the deficiency had been condoned for the entire period of 1 year, 6 months and 10 days, it would be raised to 30/60 of my average salary. - Under G.O. Ml. 4430-1 S & A 52-482 dated 13-11-1948, the Government have been pleased to sanction ~~the~~ a superannuation pension of Rs 180/- a month,- apparently on the basis of salary I was drawing as Munsiff. It has not taken notice of certain promotions in the case of Sub Judges ordered in G.O.No. 136-Cts 77-47-2 dated, 3rd July 1948. The question of confirmation and promotion of District Judges and Sub Judges is still pending. My average salary may vary between Rs 500/- and 525/- and therefore, with one year's condonation, my pension though now fixed at Rs 180/- is likely

to vary between Rs 200/- and Rs 210/-. If the deficiency for the entire period of 1 year, 6 months and 10 days is condoned, I would be eligible for a pension between Rs 250/- and Rs 262-8-0 a month. It will thus be seen that a condonation of the remaining period of 6 months and 10 days also, would mean for me nearly Rs 50/- to Rs 62½ a month, a sum by no means negligible to a pensioner in my position.

I also submit that during the whole of my service I had availed myself of only 1 month and 20 days of leave and I have thus literally put in an additional actual service for a period not less than 1 year, 6 months and 10 days. Moreover, I was entitled to not less than six months' leave prior to my superannuation. In an interview with the Previous Chief Justice, (Rajadhurma prawina Dewan Bahadur P. Venkatara manaka) His Lordship was pleased to tell me that in the exigencies of Public Service, I need not apply for leave and should continue to work till the date of my retirement. I cheerfully obeyed him and did not apply for leave to which I was rightly entitled.

I also submit that there have been cases where the Government have been pleased to fix an arbitrary pension when a rigorous application of the Pension Rules would work as a hardship on the retiring officer.

It will be a great hardship to me in these hard times if after having retired as a District and Sessions Judge, I am granted a pension of only about Rs 200/- or Rs 210/-.

P.T.O.

I respectfully pray that in view of the above circumstances, the Government may be pleased to reconsider their order by condoning the deficiency for the full period of 1 year, 6 months and 10 days and thereby enable me to get my full pension, and that if for any reason, a reconsideration of their order is not practicable, to be pleased to fix my pension at Rs 250/- a month or any amount that they consider reasonable and just;

For which act of kindness I shall ever remain grateful.

I beg to remain,
Sir,
Yours faithfully,

B K Ramakrishnaya

(Retired District And
Sessions Judge,
Mysore Division, Mysore).

~~MYSORE~~, ~~17-11-48~~
Bangalore
3.12.48.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

General and Revenue Secretariat,

No. 61 901 C3

Dated Bangalore, ... 194

28th Jan: 9

FROM

The Chief Secretary to the Government of His Highness the Maharaja of Mysore

To

SIR,

The Comptroller to Government of
His Highness the Maharaja of Mysore,
BANGALORE.

I am directed to request you kindly to intimate whether there are any precedents for condoning a deficiency in service amounting to a period of more than one

Yours faithfully,

For Chief Secretary to Government.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Department.

No. 61 Q 61-13

From

TO 6

6190/CB. The Comptroller to Govt

29.1.49. Sir

I am directed to request you kindly to intimate whether there are any precedents for ~~Govt~~ ~~having~~ ordering a deficiency in service amounting to a period of more than one year. ~~in the Service of any of the Offices~~

J. J.

28/1/49

for Chief Secy. to Govt.

Sms 28/1/49

28.1.49

4535
CB

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

Comptroller's Office, Bangalore.

No. 1036/Pen. Dated 11th February 1949.

14

The Chief Secretary to Government of Mysore,
Bangalore.

Sir,

With reference to your letter No.6190/C.B. dated 29-1-49 enquiring whether there are any precedents for condoning deficiency in service amounting to a period more than one year, I have the honour to state that no case of the kind is traceable in this office.

Yours faithfully,

M. C. Rudrappa 15/2

For Comptroller.

HR)

CHIEF SECRETARY 56 16 FEB 1949 GOVT. OF MYSORE

16/2/49

8

No.7719/CB

16th March 49

Sri B.K. Ramakrishnaiya, M.A., LL.B.,
Retired District & Sessions Judge,
No.949, Lakshmipuram, MYSORE.

With reference to your representation dated 3rd December 1948, I am directed to state that a deficiency of one year in your service w as condoned in Government Order No.2035-36/Cts.220-47-2 dated 25th August 1948, the maximum period that can be condoned under the rule s of service and to add that Government regret that in view of the rules on the matter, no further concession is possible.

Yours faithfully,

Chief Secretary to Government.

Copy to Financial Branch with S & A Dep.197/48 and
File No. S & A 52-48-3 & 4.

TO

Sri B. K. Ramakrishnaiya,
MA LLB.
Retired Dt. & Sessions
Judge,
No. 949, Lakshmipuram,
Mysore

Dear Sir,

With reference to your representation dated 3.12.48, I am directed to state that a deficiency of one year in your service was condoned in G.O. No. 2035-36/CTS. 220-47-2 dated 25.8.48, ~~[illegible]~~ the maximum period that can be condoned under the Rules of Service and to add that Govt. regret that in view of the Rules on the matter, no further concession is possible

J. F.
15/3
Chief Secy. to Govt.

12.3.49

Govt 12/3/49

govt 15/3/49

copy to Fl. Branch with S&A. Dep. 197/48 & file No. S&A. 52-48-3&4.